

UNITED STATES DISTRICT COURT

Southern District of New York

UNITED STATES OF AMERICA

v.

CLAUDIU COSTINEL MIHAI

JUDGMENT IN A CRIMINAL CASE

Case Number: 01:S4 19crim651-024 (LTS)

USM Number: 87858-054

Ken Womble, Esq.

Defendant's Attorney

THE DEFENDANT:☒ pleaded guilty to count(s) Two (2) and Three (3).☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.☐ was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 USC 1349	Conspiracy to commit wire and bank fraud.	9/2019	Two (2)
18 USC 1028A(a)(1), (b), and 2	Aggravated identity theft.	9/2019	Three (3)

The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.☐ The defendant has been found not guilty on count(s) _____☒ Count(s) _____ and any underlying indictment(s) ☐ is ☒ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

February 24, 2021

Date of Imposition of Judgment

/s/ Laura Taylor Swain

Signature of Judge

Laura Taylor Swain, U.S.D.J.

Name and Title of Judge

February 25, 2021

Date

DEFENDANT: CLAUDIU COSTINEL MIHAI
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IMPRISONMENT

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of:

30 months as to Count Two (2) followed by the mandatory 24 months as to Count Three (3), for a total of 54 months of imprisonment.

No term of supervised release to follow.

☒ The court makes the following recommendations to the Bureau of Prisons:

that the period defendant spent in Indiana state custody from May 30, 2018 to June 18, 2018, for conspiracy-related ATM skimming activities, and the period that he spent pre-extradition in Romanian custody on the instant case, from November 20, 2019 to February 28, 2020, be credited toward this sentence.

☐ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____.

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on _____.

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: CLAUDIU COSTINEL MIHAI
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CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>JVTA Assessment*</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 200.00	\$	\$	\$ <u>861,900.81</u>

☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.

☒ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss**</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
Clerk of Court for the United States District Court Southern District of New York for disbursement to:			
As provided in the Order of Restitution.		\$861,900.81	

TOTALS	\$ _____	\$ <u>861,900.81</u>
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☐ Restitution amount ordered pursuant to plea agreement \$ _____

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☒ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☒ the interest requirement is waived for the ☐ fine ☒ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.

** Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

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SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A ☒ Lump sum payment of \$ 200.00 due immediately, balance due
- ☒ in accordance with ☐ C, ☐ D, ☐ E, or ☒ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☒ Special instructions regarding the payment of criminal monetary penalties:

While serving the term of imprisonment, the defendant must make installment payments toward his restitution obligation, and may do so through the Bureau of Prisons' (BOP) Inmate Financial Responsibility Plan (IFRP). Pursuant to BOP policy, the BOP may establish a payment plan by evaluating the defendant's six-month deposit history and subtracting an amount determined by the BOP to be used to maintain contact with family and friends. The remaining balance may be used to determine a repayment schedule. BOP staff shall help the defendant develop a financial plan and shall monitor the defendant's progress in meeting his restitution obligation.

Any unpaid amount remaining upon release from prison must be paid in installments of 10% of the defendant's gross income on the first of each month. If the defendant defaults on the payment schedule described, the Government may pursue other remedies to enforce the judgment.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☒ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

**** SEE NEXT PAGE.****

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☒ The defendant shall forfeit the defendant's interest in the following property to the United States:
Defendant is to forfeit to the United States \$172,380.16 as specified in the Consent Order of Forfeiture, which represents the proceeds of the defendant's criminal activity.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) JVT A assessment, (8) penalties, and (9) costs, including cost of prosecution and court costs.

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ADDITIONAL DEFENDANTS AND CO-DEFENDANTS HELD JOINT AND SEVERAL

Case Number

Defendant and Co-Defendant Names (including defendant number)

Total Amount

Joint and Several Amount

Corresponding Payee, if appropriate

1:19crim651-Mircea Contantinescu (1)	TBA	TBA	TBA
1:19crim651-Nikolaos Limberatos (2)	TBA	TBA	TBA
1:19crim651-Cristian Costea (3)	TBA	TBA	TBA
1:19crim651-Alin Hanes Calugaru (4)	TBA	TBA	TBA
1:19crim651-Ionela Contantinescu (5)	TBA	TBA	TBA
1:19crim651-Theofrastos Lymberatos (6)	TBA	TBA	TBA
1:19crim651-Andrew Elipoulos (7)	TBA	TBA	TBA
1:19crim651-Valentin Petrescu (8)	TBA	TBA	TBA
1:19crim651-Peter Samolis (9)	TBA	TBA	TBA
1:19crim651-Kelly Karki Lam (10)	TBA	TBA	TBA
1:19crim651-George Serban (11)	TBA	TBA	TBA
1:19crim651-Dragos Diaconu (12)	\$553,424.00	\$553,424.00	TBA
1:19crim651-Madlin Alexandru Anca (13)	TBA	TBA	TBA
1:19crim651-Cristian Ulmanu (14)	TBA	TBA	TBA
1:19crim651-Iuliana Muhailescu (15)	TBA	TBA	TBA
1:19crim651-Florian Claudiu Martin (16)	TBA	TBA	TBA
1:19crim651-Alex Donati (17)	TBA	TBA	TBA
1:19crim651-Raul Ionut Vidrasan (18)	TBA	TBA	TBA
1:19crim651-Nicolae Daniel Pepy (19)	TBA	TBA	TBA
1:19crim651-Alexandru Radulescu (20)	TBA	TBA	TBA
1:19crim651-Alexandru Iordache (21)	TBA	TBA	TBA
1:19crim651-Robert Duczon (22)	TBA	TBA	TBA
1:19crim651-Dan Mirica (23)	TBA	TBA	TBA
1:19crim651-Claudiu Costinel Mihai (24)	TBA	TBA	TBA
1:19crim651-David Georgescu (25)	TBA	TBA	TBA
1:19crim651-Andrei Razvan Rusu (26)	TBA	TBA	TBA
1:19crim651-Claudiu Vaduva (27)	TBA	TBA	TBA
1:19crim651-Gabriel Orzanica (28)	TBA	TBA	TBA